

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley, (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
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VIA ECF

March 30, 2017

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

During last week's case management conference, we advised the Court that the discovery defendants had requested an extension of the March 31, 2017 deadline for completing document productions to June 16, 2017, and that the Plaintiffs' Executive Committees ("PECs") did not object to that request. Your Honor granted the request at the hearing, and issued a formal order on Monday, March 24, 2017 providing that "The deadline for document production for all *defendants* is extended from Friday, March 31, 2017, to Friday, June 16, 2017." ECF No. 3482 (emphasis supplied).

With apologies for not having been more precise on the issue at the case management conference, the March 31, 2017 production deadline for completing document productions was a common deadline for both defendants and plaintiffs to complete their rolling productions, and we had intended to request that the proposed extension would also apply to both defendants and plaintiffs, as had been true of all previous deadlines for such productions.

Although plaintiffs completed the bulk of their documents productions on August 30, 2012, the document production deadline that had been set by Judge Maas through a June 1, 2012 letter endorsement (ECF No. 2614), plaintiffs have supplemented their productions on a few occasions, most commonly to produce additional documents received in response to Freedom of Information Act ("FOIA") requests. Plaintiffs anticipate that they will be supplementing their productions in similar fashion prior to the document production deadline, for similar reasons. For instance, just a few weeks ago the *Federal Insurance* plaintiffs received a package of

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documents from the Department of State in response to FOIA requests submitted in 2003 and 2007.

To allow for such supplementation of plaintiffs' productions, and in keeping with prior practice in the MDL, plaintiffs respectfully request a clarification that the revised deadline for completing document productions will apply to both the discovery defendants and plaintiffs. All parties will remain under a continuing duty to supplement their productions, pursuant to Rule 26(e), Fed. R. Civ. P., and that duty will continue beyond this deadline.

Respectfully submitted,

COZEN O'CONNOR



By: Sean P. Carter

SPC:/bdw

cc: The Honorable George B. Daniels (via ECF and Federal Express)
All MDL Counsel of Record (via ECF)

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